

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ORLANDO RIOS,

Plaintiff,

-against-

9:03-CV-0163  
(LEK/RFT)

ELIZABETH C. SQUIES, Doctor at Syracuse University Hospital; JUAN AYARDI, Doctor at Syracuse University Hospital; M.D. ANTHONY GRACEFFO; DR. TASSIOPOULOS, Doctor at Syracuse University Hospital; GREGORY MATTHEWS, Medical Doctor; RICHARD C. LAUX, Medical Doctor; A. PAOPLANO, Medical Doctor; E. NUNEZ, Medical Doctor; T. NESMITH, Medical Doctor; M.D. W. SMITH; M.D. KANG LEE; J. MITCHELL; and QUCLSE,

Defendants.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on March 17, 2006, by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 49).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance with L.R. 72.1. In the interval of at least ten days since the Magistrate Judge filed the subject Report-Recommendation, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

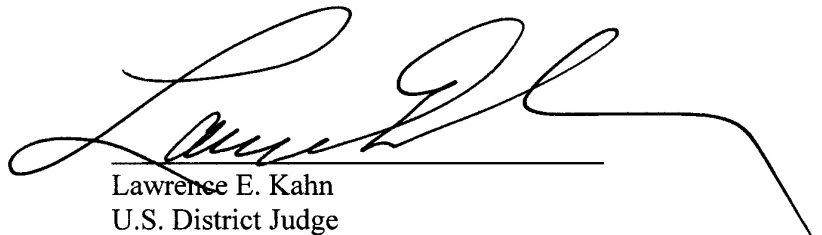
**ORDERED**, that the Report-Recommendation (Dkt. No. 49) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that the Motion for Summary Judgment of behalf of Defendants Anthony Graceffo, Richard C. Laux, A. Paoplano, E. Nunez, T. Nesmith, and Kang Lee (Dkt. No. 38) is **GRANTED**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: March 31, 2006  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge